

THE FULL TEXT OF THE PROPOSED RULE IS:

**40E-2.091 Publications Incorporated by Reference.**

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_ ~~July 2, 2009,~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS.*

*Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, \_\_\_\_\_.*

**40E-20.091 Publications Incorporated by Reference.**

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(The following is proposed new section 3.11.2 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, incorporated by reference in Rules 40E-2.091 and 40E-20.091, F.A.C.)

### **3.11.2 North Fork of the St. Lucie River**

The North Fork of the St Lucie River water reservation, as stated in Rule 40E-10.051, F.A.C., protects Comprehensive Everglades Restoration Plan project water needed for protection of fish and wildlife within the North Fork of the St. Lucie River. Applications deemed complete prior to the conditions identified in subsection 40E-10.051(1), F.A.C., and which otherwise satisfy the requirements of Chapter 40E-2 or Chapter 40E-20, as applicable, are determined not to use the water reserved pursuant to Rule 40E-10.051, F.A.C.

#### **40E-10.021 Definitions**

(1) through (2) No Change.

(3) **North Fork of the St. Lucie River** – The area that extends from the Gordy Road structure (state plane coordinates, x851212.831, y1116105.7470), to the confluence of the North Fork of the St. Lucie River and the C-24 canal (state plane coordinates, x873,712.20, y1064,390.41) as depicted in Appendix 3, Figure 3-1.

*Rulemaking Authority: 373.044, 373.113, 373.171, F.S.*

*Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, F.S. History- New-7-2-09, Amended*

#### **40E-10.031 Water Reservations Implementation**

(1) No Change.

~~(2) Reservations contained in Rule 40E-10.041, F.A.C., shall be reviewed in light of changed conditions or new information by 2014.~~

(2) Water reserved for the protection of fish and wildlife contained within the Picayune Strand and Fakahatchee Estuary is defined in subsections 40E-10.041(1)-(2), F.A.C.

(3) Water reserved for the protection of fish and wildlife contained within the North Fork of the St. Lucie River is defined in subsection 40E-10.051(1), F.A.C.

*Rulemaking Authority: 373.044, 373.113, 373.171, F.S.*

*Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, F.S. History- New-7-2-09, Amended*

#### **40E-10.041 Water Reservation Areas: Lower West Coast Planning Area**

(1) through (2) No Change.

(3) Reservations contained in this section shall be reviewed in light of changed conditions or new information by December 31, 2014.

*Rulemaking Authority: 373.044, 373.113, 373.171, F.S.*

*Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, F.S. History- New-7-2-09, Amended*

#### **40E-10.051 Water Reservation Areas: Upper East Coast Planning Area.**

(1) North Fork of the St. Lucie River, as defined in subsection 40E-10.021(3), F.A.C.:

(a) Surface waters up to and including the mean monthly flow of 130 cubic feet per second flowing over the Gordy Road Structure from November 1<sup>st</sup> through May 31<sup>st</sup>; see Appendix 3, Figure 3-2; are reserved from allocation. The water reserved under this Rule will be available for fish and wildlife upon formal determination of the Governing Board, pursuant to state and federal law, that any one or all of the Comprehensive Everglades Restoration Plan's C-23/C-24 North and South Reservoirs and STA Project are operational.

(b) Reservations contained in this Rule and the criteria contained in subsection 3.11.2 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District," incorporated by reference in Rule 40E-2.091, F.A.C., shall be revised pursuant to Section 373.223(4), F.S., in light of changed conditions or new information and concurrent with the approval specified in subparagraph (1)(a), above.

Notwithstanding the above, presently existing legal uses for the duration of a permit existing on [effective date] are determined to be not contrary to the public interest pursuant to section 373.223(4), F.S.

*Rulemaking Authority: 373.044, 373.113, 373.171, F.S.*

*Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, F.S. History- New-*

## APPENDIX 1 TO CHAPTER 40E-10

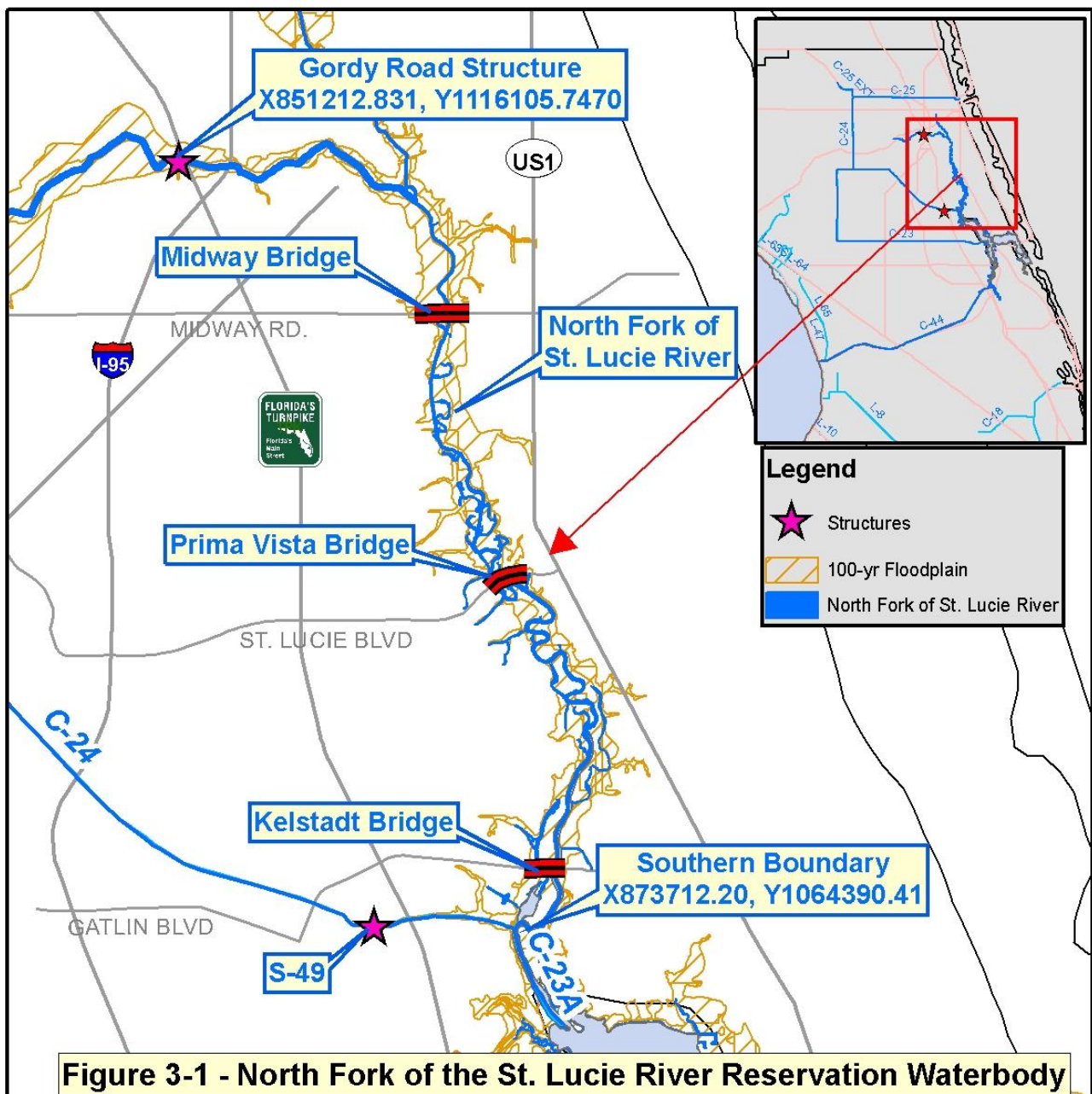
No Change

## APPENDIX 2 TO CHAPTER 40E-10

Figures

Figures 1, 2, 3.A through 3.C, 4.A through 4.C, 5.A through 5.C, 6.A through 6.C, 7,A through 7.C, 8.A through 8.C, 9.A through 9.C, 10.A through 10.C No Change.

Appendix 3: Upper East Coast Reservation Water Bodies



**Figure 3-2: Water Reserved for the North Fork of the St Lucie River**

